

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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JEREMY F. DELUCA,

Plaintiff,

- against -

ACCESS IT GROUP, INC.,

Defendant.  
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08 Civ. 1699 (PKL)

**NOTICE OF MOTION TO  
DISMISS COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the declaration of David B. Hark, dated May 29, 2008, and the accompanying brief, defendant AccessIT Group, Inc. will move this Court, on June 23, 2008, at 10:00 a.m., at the Courthouse, 500 Pearl Street, Courtroom 18B, New York, New York, for an Order: a) pursuant Federal Rule of Civil Procedure 12(b)(6), dismissing plaintiff's claim for double damages pursuant to the New York Labor Law; b) pursuant to Fed. R. Civ. P. 12(b)(5), dismissing the complaint for insufficient service of process; and c) granting such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1(b), any papers in opposition to this motion must be served on the undersigned on or before June 13, 2008.

Dated: New York, New York  
May 30, 2008

WOLFBLOCK LLP

By: /s/  
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